



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,873	07/25/2001	Takumi Ikeda	P21290	4206

7590 04/19/2006

Bruce H. Bernstein
GREENBLUM & BERNSTEIN P L C
1941 Roland Clarke Place
Reston, VA 20191

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/911,873	Applicant(s) IKEDA ET AL.	
	Examiner Benny Q. Tieu	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 53-70 is/are pending in the application.
- 4a) Of the above claim(s) 53-55,57,58,60-65,69 and 70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,56,59 and 66-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I in the reply filed on February 23, 2006 is acknowledged. The traversal is on the ground(s) that claims 65 and 69 should be included in Species I. This is not found persuasive because claim 65 including limitations that is distinct from the limitations of claims in Species I. For example, claim 65 recites the transmitting apparatus to manage the receiving apparatus identifiers, while the Species I is for transmitting apparatus to transmit a storage identifier. Similarly, Claim 69 is also distinct from the Species I because it recites the transmitting apparatus to transmit a receiving apparatus identifier that identifies at least one receiving apparatus.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 53-55, 57, 58, 60-65, 69 and 70 drawn to an invention nonelected with traverse in Paper filed on February 23, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2614

4. Claims 2, 4,, 56, 59 and 66-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawai (U.S. Patent No. 6,792,245).

Regarding claim 2, Kawai teaches a transmitting apparatus (Fig. 1, 11) that transmits a storage identifier (ID codes) that identifies one of a plurality of storage media and data (column 6, lines 1-67).

Regarding claim 4, Kawai teach a transmitting method, comprising:
transmitting a storage identifier (ID codes) that identifies one storage medium of a plurality of kinds of storage media and data to be accumulated on at least one storage medium identified by the storage identifier (column 6, lines 1-67).

Regarding claim 56, Kawai teach a transmitting apparatus that transmits a storage identifier (ID codes) that identifies a kind of storage medium, and data (column 6, lines 1-67).

Regarding claim 59, Kawai teach a transmitting method, comprising:
transmitting a storage identifier that identifies a kind of storage medium, and data to be accumulated on the kind of storage medium identified by the storage identifier (column 6, lines 1-67).

Regarding claim 66, Kawai further teach the transmitting method comprising associating at least one storage identifier with at least one of content and a kind of content (it is noted that the prestored information associated with ID code is inherently comprising a content and a kind of content).

Regarding claim 67, it is noted that users of receiving apparatus can make a selection what information to be transmitted (column 10, lines 47-61).

Regarding claim 68, see column 11, line 51 to column 12, line 24.

Art Unit: 2614

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishimura et al. (U.S. Patent No. 6,834,111) teach data transmitting/receiving method, data transmitter, data receiver, data transmitting/receiving system, AV content transmitting method, AV content receiving method, AV content transmitter, AV content receiver, and program recording medium.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

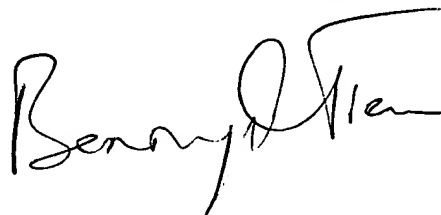
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (571) 272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Benny Q. Tieu", with a stylized flourish at the end.

Benny Q. Tieu
Primary Examiner
Art Unit 2614
April 15, 2006